IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1858.—Agreed to, and ordered to be printed.

Mr. TRUMBULL submitted the following

REPORT.

The Committee on Patents and the Patent Office, to whom was referred the petition of John A. and Hiram A. Pitts, report:

That John A. Pitts and Hiram A. Pitts are the inventors and patentees of certain useful improvements in a machine for threshing and cleaning grain, for the extension of which patent they petition Congress.

The patent was granted the 29th of December, 1837, for fourteen years, was renewed in 1851 for seven years by the Commissioner of Patents, and will expire the 29th of December next.

Upon presenting their application to the Commissioner of Patents for an extension in 1851, the petitioners presented a statement of receipts and expenditures up to that time. The latter they allege to have been $40,263 75, and the former $17,117 75, showing a loss, during the fourteen years of the existence of the patent, of $23,146. The petitioners now offer an affidavit showing the receipts and expenditures of each during the last seven years, for which an extension was granted by the Commissioner of Patents.

Hiram A. Pitts estimates his receipts at $34,490, and his expenses have been, "exclusive of his own time in and about the litigation to defend his rights," about $15,000, showing an income of nearly $3,000 per year.

John A. Pitts estimates his receipts, during the same period, at $37,970, and his expenses and losses, not includ ng his time, at $12,000, showing an income of over $3,500 a year.

The chief ground upon which the petitioners now ask a further extension of their patent by special act of Congress, is, that by reason of the litigation to which they have been subjected, they have been unable to derive profits from their invention commensurate with its value to the public, and the time and expense they have bestowed upon it.

They allege that their discovery being of great value and relating to a matter of general use, the temptation to infringe upon their rights has been such as to involve them in a succession of lawsuits,

which have not only been attended with great expense, but by casting a doubt upon their claims as patentees, have, for the time being, almost wholly deprived them of the benefit of their invention.

While the force of this reasoning is admitted, still the conflicting decisions which have been made, and the very fact that the litigation has been so protracted, and is yet undetermined, shows that the improvements of the petitioners are not so apparent and distinct from those of other inventors as to entitle them to special favor.

The act of Congress securing to patentees the exclusive benefit of their discoveries for fourteen years is believed to be sufficiently liberal to afford reasonable encouragement and protection to inventors in all ordinary cases; but when, from any cause beyond his control and without his fault, a patentee has not received such reasonable protection and remuneration, the law allows the Commissioner of Patents to grant him a further period of seven years within which to reap his reward. If he is unable to secure a fair compensation within that period, the inference is very strong, if not irresistible, either that his discovery is of little value, or that his failure to make it reasonably remunerative is attributable to his own fault or neglect.

The statement of petitioners show that, since the extension of their patent in 1851, they have been receiving a reasonable remuneration for the time, ingenuity and expense bestowed upon their discovery; and believing that the case presented by petitioners is not of such an extraordinary character as would justify an extension of their patent, by special act of Congress, after they have had its enjoyment for twenty-one years, the committee submit the following resolution:

Resolved, That the prayer of the petitioners be rejected, and that they have leave to withdraw the transcripts of judicial proceedings accompanying their petition.